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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,567

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Hiroataka Ohashi

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OLIFF & BERRIDGE, PLC

P.O. BOX 19928

ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/608,567	Applicant(s) OHASHI ET AL.	
	Examiner Chau Nguyen	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-20, 23, 24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-20, 23-24 and 27-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on 11/07/2006 has been entered. Claims 3-20, 23-24 and 27-28 are pending. Claims 1-2, 21-22 and 25-26 are canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 6, 7, and 9 recite the limitation "state 2", which might be referred to either "state 2" of claim 5 or "state 2" of claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3-13, 16, 23-24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaskey et al. (McCaskey), US Patent Application Publication No. US 2002/0152245, and further in view of Felsted et al. (Felsted), US Patent No. 6,915,287.

7. As to independent claims 3-4, 23-24 and 27-28, McCaskey discloses a layout system comprising:

a layout device for selecting items of published information from a plurality of items of published information and for making a layout for the selected published information, the layout device capable of performing a layout process by storing at least one item of published information in at least one information storage region arranged in a layout region (Abstract, Fig. 1, paragraphs [0049]-[0054], retrieving text content of story file and images (items of published information) and combining them with web page templates (layout of information storage region) to produce a web-readable news publication);

wherein:

an information storage region includes identification data and arrangement control data (paragraph [0083]: a template page (layout of information storage region) includes text code (identification data) and markers (arrangement control data) identifying points and ranges in the template where information may be modified);

item of published information includes identification data and arrangement control data (paragraphs [0054]-[0056]: each story file (items of published information)

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contains the text of the story and a series of identifiably-marked data fields, called tags (identification information), the new story may be a news story marked up for printing in the newspaper and "markup up" means markup directions which are also called meta tags, or style tags (arrangement control information) concerning the story text formatting, story placement, and links to other stories; and

the layout device is configured to compare the identification data of the information storage region with the identification data of an item of published information to determine whether the published information is to be stored in the information storage region on the basis of matching identification data (paragraphs [0119]-[0123]: translating text and style tag in each story file into the text and codes required to organize, format, and present the same story on the website).

However, McCaskey does not explicitly disclose the layout device further configured that if there are no items of published information suitable to be stored in the information storage region on the basis of matching identification, the layout device then determines if any item of published information is to be stored in the information storage region based on the arrangement control data of an item of published information and the information storage region.

Felsted discloses comparing destination object class (DOC) records with source object class (SOC) record, each SOC record corresponds to an object class that is defined in source schema, each DOC record corresponds to an object class that is defined in destination schema, and a DOC record includes the same fields as a SOC record (col. 4, lines 32-62). Felsted also discloses that selecting a record from the list of

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SOC records and searching each record in the list of DOC records for a DOC record that “matches” means when the object class Name in the DOC record matches the object class Name in the SOC record or “partially matches” means when the object class OID in the DOC record matches the object class OID in the SOC record, but the object class Name in the DOC record does not match the object class Name in the SOC record (col. 4, line 63 – col. 5, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Felsted and McCaskey to include comparing data from a source database to a destination database based on their attributes to find out whether there a match or partially match between a source database and a destination database for the purpose of migrating data from one database to another database.

8. As to dependent claim 5, McCaskey and Felsted disclose the arrangement control data of an item of published information being settable to:

state 1 where the item must only be stored in an information storage region having matching or related identification data (Felsted, col. 4, line 32 – col. 5, line 6),

state 2 where the published information does not have to stored in an information storage region having matching or related identification data (Felsted, col. 4, line 32 – col. 5, line 6).

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9. As to dependent claim 6, McCaskey and Felsted disclose wherein the arrangement control data of an information storage region being settable to:

state 1, where an item of published information must only be stored in the information storage region if the item has matching or related identification data (Felsted, col. 4, line 32 – col. 5, line 6), or

state 2, wherein an item of published information does not have to have matching or related identification data to be stored in the information storage region (Felsted, col. 4, line 32 – col. 5, line 6),

wherein if there are no items of published information suitable to be stored in the information storage region on the basis of the identification data, and the arrangement control data of the information storage region is set to state 2, the layout device is configured to select from the published information storage device an item of published information not having any identification data for storage in the information storage region (Felsted, col. 4, line 32 – col. 5, line 6).

10. As to dependent claims 7-9, these claims contain substantially similar subject matter as in claims 3-6, and therefore are rejected along the same rationale

11. As to dependent claims 10-13, McCaskey and Felsted disclose wherein the arrangement control data is configurable to set a degree of similarity of identification data required for an item of published information to be stored in an information storage region having identification data identical or related to the item of published information

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(McCaskey et al. discloses the topic of the story determines a story's placement on the web (0122, line 1). To determine the Website topic of a story for the Website, the filter program uses the style tags for the edition, story name, page assigned, basket, topic, keyword, and a story number supplied to the input file. The filter program then test combinations (*similarity*) of these style tags to establish a *value* for the topic as required by the Website (0122). McCaskey et al. also disclose another embodiment of the invention's translation process, where the story's topic and other similar data elements values are determined by the application of a set of tabulated rules to test the style tag combination (*similarity*) (0125).

12. As to dependent claim 16, this claim contains substantially similar subject matter as in claim 4, and therefore is rejected along the same rationale.

13. Claims 14-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaskey and Felsted as discussed in claims 3-13, 16, 23-24 and 27-28 above, and further in view of Guttman et al. (Guttman), US Patent No. 6,173,286.

14. As to dependent claim 14, McCaskey and Felsted do not disclose expressly, *deleting target information storage region*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al.

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invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (*delete relevant information storage region*) (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey and Felsted for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

15. As to dependent claim 15, McCaskey and Felsted do not disclose expressly, *storing margin-filling information in the target information storage region*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (*storing margin-filling information in the relevant information storage region*) (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey and Felsted for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

16. As to dependent claims 17-18, McCaskey and Felsted do not disclose expressly, *level of priority*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (column 12, lines 56-59; 676 Fig 6D). Guttman et al. further discloses a block representation of the computer generating the fitness of the different publication layouts (*similarity*) (column 8, line 18-20; 306 Fig 3). The evaluation of the publication layout represents an aggregation of the fitness values for each individual PlaceableItem object in the list (*similarity value*) (column 8, lines 27-30). The computer selects a subset of the ordered lists from the population based on the total fitness values (*priority*) (column 8, line 52-54; 312 Fig 3).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey and Felsted, for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

17. As to dependent claims 19-20, McCaskey and Felsted do not disclose expressly, *storing user information regarding a user*.

However, Guttman et al. discloses with regards to interfaces with external client databases, the invention can accept various input data to support the publication layout process. Using the broadest interpretation, determines that this includes user information.

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey and Felsted, for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

Response to Arguments

18. Applicant's arguments and amendments filed on 11/07/2006 have been fully considered but they are not deemed fully persuasive. Applicant's arguments with respect to claims 3-20, 23-24 and 27-28 have been considered but are moot in view of the new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., compare the identification ... information storage region) to the claims which significantly affected the scope thereof.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176



Doug Hutton
Primary Examiner
Technology Center 2100